

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 200
THE ILLINOIS EXPLOSIVES ACT

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AUTHORITY: Implementing and authorized by the Illinois Explosives Act (Ill. Rev. Stat. 1991, ch. 96 ½, pars. 1-1001 et seq.).

SOURCE: Amended September 15, 1973; codified at 7 Ill. Reg. 12867; Part repealed, new Part adopted at 14 Ill. Reg. 3503, effective February 23, 1990; amended at 16 Ill. Reg. 11449, effective July 6, 1992; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192.

SUBPART A: SCOPE, AUTHORITY AND DEFINITIONS

Section 200.10 Scope and Authority

This Part implements the Illinois Explosives Act, approved August 30, 1989 (P.A. 86-364) and applies to all storage, use, acquisition, possession, disposal and transfer of explosive materials except as otherwise provided in the Act. This Part is intended to supplement the requirements of any Federal or State law and regulations governing the storage, use, acquisition, possession, disposal and

transfer of explosive materials, but shall be construed, wherever possible to avoid conflicting or duplicative

requirements. In the event of a conflict between this Part and the laws and rules enforced by agencies of the federal government including the Bureau of Alcohol, Tobacco and Firearms, the Mine Safety and Health Administration and the Occupational Safety and Health Administration, the laws and rules enforced by agencies of the federal government shall control; provided that provisions of this Part shall not be deemed to be in conflict on the basis that they are more specific than, more stringent than

or impose requirements for which no like requirements are contained in laws and rules enforced by agencies of the federal government.

Section 200.11 Definitions

For purposes of this Part the term:

"Acceptor" means a charge of explosives or blasting agent receiving an impulse from an exploding donor charge.

"Act" means the Illinois Explosives Act [225 ILCS 210].

"Ammonium Nitrate" means the ammonium salt of nitric acid represented by the formula NH_4NO_3 .

"ANFO" means an explosive material consisting of ammonium nitrate and fuel oil.

"Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet at the top of the mound or wall, or a mound or revetted wall of other material offering equivalent protection. Artificial barricades which are vegetated shall be of sufficient slope to enable mowing.

"Barricaded" means the effective screening of a building containing explosives from a magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

"BATF" means the Bureau of Alcohol, Tobacco, and Firearms, U.S. Department of Treasury.

"Black Powder" means a deflagrating or low explosive compound of an intimate mixture of sulfur, charcoal, and an alkali nitrate, usually potassium or sodium nitrate.

"Blast or Blasting" means the firing of explosive materials for such purposes as breaking rock or other material, moving material, or generating seismic waves. The

assembly of explosive materials for such purpose.

"Blast Area" means the area of a blast within the influence of flying rock missiles, gases, and concussion.

"Blasting Agent" means any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 blasting cap, as defined by the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of Treasury, when unconfined.

"Blasting Cap" means a detonator which is initiated by a safety fuse.

"Bulk Mix" means a mass of explosive material prepared for use in bulk form without packaging.

"Bulk Mix Truck or Delivery Equipment" means equipment (usually a motor vehicle with or without a mechanical delivery device) that transports explosive materials in bulk form for mixing or loading directly into blastholes, or both.

"Bullet-Resistant" means magazine walls or doors of construction resistant to penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second fired from a .30 caliber rifle from a distance of 100 feet perpendicular to the wall or door. When a magazine ceiling or roof is required to be bullet-resistant, the ceiling or roof shall be constructed of materials comparable to the side walls or of other materials which will withstand penetration of the bullet described above when fired at an angle of 45 degrees from the perpendicular. Tests to determine bullet resistance shall be conducted on test panels or empty magazines which shall resist penetration of 5 out of 5 shots placed independently of each other in an area at least 3 feet by 3 feet.

"Bullet-Sensitive Explosive Material" means explosive materials that can be detonated by 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second when the bullet is fired from a .30 caliber rifle at a distance of not more than 100 feet and the test material, at a temperature of 70 to 75 F, is placed against a backing material of ½ inch steel plate.

"Cap Sensitivity" means the sensitivity of an explosive to initiation by a detonator. An explosive material is considered to be cap sensitive if it detonates with a No. 8 Test Detonator.

"Deflagration" means an explosive reaction such as a rapid combustion that moves through an explosive material at a velocity less than the speed of sound in the

material.

"Department" means Illinois Department of Natural Resources.

"Detonating Cord" means a flexible cord containing a center core of high explosive and used to initiate other explosives.

"Detonation" means an explosive reaction that moves through an explosive material at a velocity greater than the speed of sound in the material.

"Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges.

"Director" means Director of the Department of Natural Resources.

"Donor" means an exploding charge producing an impulse that impinges upon an explosive "acceptor" charge.

"Emulsion" means an explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

"Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion and includes high or low explosives. Manufactured articles, including, but not limited to, fixed ammunition for small arms, fire crackers, safety fuses, and matches are not explosives when the individual units contain explosives in such limited quantity and of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units which would be injurious to life, limb or property.

"Explosive materials" means explosives, blasting agents, and detonators.

"Fire-Resistant" means construction designed to offer reasonable protection against fire.

"Grains" means a system of weight measurement where 7000 grains are equivalent to one standard 16-ounce pound (0.45 kg).

"Hardwood" means red oak, white oak, hard maple, ash or hickory, free from loose knots, wind shakes, or similar defects.

"High Explosive" means explosives which are characterized by a very high rate of reaction, high pressure development, and the presence of a detonation wave in the

explosive.

"Highway" means any public street, public highway, or public alley.

"Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assembly, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

"Inventory" means a listing of all explosive materials stored in a magazine.

"Low Explosive" means explosives which are characterized by deflagration or a low rate of reaction and the development of low pressure.

"Magazine" means any building or other structure or container, other than a factory building, used to store explosive materials. Where mobile or portable type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which such magazines are located.

"Magazine Keeper" means a person responsible for the inventory and safe storage of explosive materials, including the proper maintenance of explosive materials, storage magazines and areas.

"Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

"Nonsparking Metal" means a metal that will not produce a spark when struck with other tools, rock, or hard surfaces.

"Person" means any individual, corporation, company, association, partnership, or other legal entity, except that, with reference to individual licenses or when the context otherwise requires, person means a natural person.

"Plywood" means exterior construction-grade plywood.

"Propagation" means the detonation of explosive charges by an impulse received from adjacent or nearby explosive charges.

"Railway" means any public steam, electric or other railroad or rail system which carries passengers for hire, but shall not include auxiliary tracks, spurs and sidings installed and primarily used in serving any mine, quarry or plant.

"Softwood" means Douglas fir or other wood of equal bullet resistance and free from loose knots, wind shakes or similar defects.

"Steel" means general purpose (hot or cold rolled) low-carbon steel or equivalent.

"Theft-Resistant" means construction designed to deter illegal entry into facilities used for the storage of explosive materials.

"Unbarricaded" means the absence of a natural or artificial barricade around explosive storage areas of facilities.

"Weather-Resistant" means construction designed to offer reasonable protection against weather.

Section 200.12 Incorporated Materials

- a) The following federal and state regulations, standards are incorporated or referenced in various sections of this Part:
 - 1) "The National Electrical Code" - (1987 Edition) published by:
The National Fire Protection Association (NFPA)
1110 Vermont Ave., N.W., Suite 1210
Washington, D.C. 20005,
 - 2) "The Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" - (NFPA 495-1985 Edition) published by:
The National Fire Protection Association (NFPA)
1110 Vermont Ave., N.W., Suite 1210
Washington, D.C. 20005
 - 3) "Warnings and Instructions for Consumers in Transporting, Storing, Handling, and Using Explosive Materials" (Safety Library Publication. No. 4, June 1987 Edition)
Institute of Makers of Explosives
1120 19th Street N.W., Suite 310
Washington, D.C. 20036
 - 4) "Table of Distances for Storage of Low Explosives", 27 CFR 55.219, regulations of the Bureau of Alcohol, Tobacco, and Firearms.
- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All materials incorporated by reference are available for inspection and copying at the Department's General Office, 300 W. Jefferson, Suite 300, Springfield, Illinois 62791-0137.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.20 Making of Explosives

All explosives offered for sale or given away in the State of Illinois shall be legibly identified by marking. The marks required by this Section shall identify the manufacturer and the location, date and shift of manufacture. The manufacturer shall place on each carton or other immediate container of explosive materials manufactured for sale or distribution the required mark which shall also be placed on the outside container, if any, used for their packaging: provided, that with respect to explosive materials of small size not suitable for marking on the individual items (for example blasting caps), it shall only be necessary to place such identification on the container used for their packaging. The above is in accordance with 26 CFR 181.109 Subpart F, ATF.

Section 200.30 Information Required on Shipping Case

Each shipping case shall have marked on it the total weight of the explosives contained therein; the month and year of the explosives manufacture; and the length and the diameter of sticks, cartridges, or individual packages contained therein.

Section 200.40 Records to be Kept by Persons Selling or Giving Away Explosives

Every person selling or giving away an explosive shall keep:

- a) A record that enables him to trace the explosives passing from his hands to the recipient, said record to consist of a journal, book of record, invoice, inventory control record, federal form 4710, or other record which shows explosives delivered by manufacturer's name, count, weight, identification, or such other identifying mark as will enable the distributor to trace the explosives, and month and year of manufacture.
- b) The name, residence and business address of the recipient and the address to which the explosive is to be delivered, if different from the business address.
- c) The name, address, social security number, driver's license identification number and brief physical description of the person taking the explosive away.
- d) The type and license number of the vehicle by which it is to be transported.

Section 200.50 Exceptions to Sections 200.10 and 200.40

Sections 200.10 and 200.40(c) above do not apply when the transaction is between the manufacturer of the explosive and the manufacturer's employee or when the explosives involved in a transaction are being shipped by a common carrier direct from the manufacturer's place of business.

Section 200.60 Availability of Records

The journal or book of record or other record made by any person selling or giving away explosives shall be open at all times to inspection by any law enforcement official and any representative of the Department.

Section 200.70 Markings on Less than a Case

When fewer than an entire shipping case of explosives are sold or given away, the outside container of each piece shall reflect the explosive identification number.

Section 200.80 Persons Exempt from having an Explosives License

During the official discharge of their duties, armed forces personnel, law enforcement personnel, and federal or state personnel, responsible for enforcing explosives legislation shall be exempt from having to have an Explosives License as specified under the provisions of "An Act regulating the sale, use, or gift of explosives," or Senate Bill No. 44.

Section 200.90 Transportation on Same Motor Vehicle

No blasting caps, regardless of type, may be transported on the same motor vehicle with other explosives, unless they are transported in accordance with 49 CFR 170-189.

SUBPART B: LICENSE APPLICATION

Section 200.100 Application for Original Licensure

Any person who intends to possess, use, purchase or transfer explosive materials, unless exempted under Section 1004 of the Act, shall make application on forms provided by the Department. The application must be executed under penalties of perjury and accompanied by the required fee.

Section 200.101 Contents of Application

The application for original licensure shall include:

- a) The applicant's full name and any aliases used by the applicant.
- b) The applicant's age, sex and date of birth.
- c) A physical description of the applicant, which shall include height, weight, color of hair and color of eyes.
- d) The applicant's social security number or drivers license number.
- e) The applicant's resident address and telephone number.
- f) A description of the purposes for which and the places where explosive materials are to be possessed or used.
- g) If explosive materials are to be possessed and used in connection with a business, the name of the business, the form of organization of the business, the applicant's relationship to the business and the address or addresses, and telephone number, of any offices in this State out of which the business operates.
- h) A recent passport size photograph taken within the preceding 3 years.
- i) A personal history statement containing information required under Section 2005 of the Act.

Section 200.102 Fingerprint Cards

An applicant for original licensure, except for an applicant who has previously submitted fingerprint cards to the Department, shall submit with the application two (2) sets of fingerprint cards on forms specified by the Department. The fingerprint cards shall be accompanied by the required fee.

Section 200.103 Written Examination

- a) The written examination shall encompass the following subject matter:
 - 1) Legal requirements for, and restrictions on, the possession, use, purchase, transfer, storage and disposal of explosive materials in Illinois.

- 2) Safety principles in the transport, storage, handling and usage of explosive materials (as set forth in "Safety Library Publication No. 4", June 1987 edition of the Institute of Makers of Explosives).
- b) The passing grade shall be at least 80%.
- c) An applicant who fails the first examination may be rescheduled at any time for re-examination. After the second and each subsequent failure, the application is ineligible for further examination until the expiration of at least 60 days from the previous examination.

Section 200.104 Incomplete Application

If the application does not contain all of the information or documents required under Section 200.101 for evaluation of the application, or if the fingerprint cards as originally submitted cannot be processed, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application, or state that substitute fingerprint cards must be submitted, as the case may be, and shall advise the applicant that the application will be deemed denied unless the information, documents or fingerprints are submitted within 60 days following the date of notification.

Section 200.105 Denial of Application

If the applicant fails to qualify for an original license by reason of age, or if the applicant fails to pass the examination within one year of the date of application, or if the applicant fails to make complete application in accordance with Section 200.104 of this Part, the Department shall deny the application and notify the applicant in writing. The notice shall set forth the reasons for denial and instructions for making any reapplication.

Section 200.106 Refusal to Issue

If, after the Department's investigation of the application, the Department intends to refuse to issue a license, the Department shall notify the applicant in writing of the grounds upon which such intended refusal is based and of the applicant's right to a hearing pursuant to Section 200.900 of this Part.

Section 200.107 License Renewal

- a) A license issued pursuant to this Subpart is valid for 3 years from the date of issuance.
- b) The holder of a license may renew such license during the 60 day period preceding the expiration date thereof by submitting a renewal application on forms provided by the Department together with the required fee.
- c) Any license which is not renewed within 30 days following its expiration will be cancelled. Any requests after that date to renew or restore will be treated as a new application.
- d) The extended renewal period under subsection (c) above does not allow a licensee to engage in any conduct or activities for which a license is required during the 30 day period after the license has expired.

Section 200.108 Temporary License

- a) Any person not a resident of Illinois who intends to possess, use, purchase or transfer explosive materials in Illinois on a limited basis may make application on forms provided by the Department for a temporary license. The application must be executed under penalties of perjury and accompanied by the required, non-refundable fee.
- b) The application for temporary licensure shall include the same information required for an original license under Section 200.101 of this Part and in addition shall include:
 - 1) Evidence of a valid existing explosive license or permit issued by the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, such federal license to be of a classification appropriate to the activities to be conducted under the temporary license.
 - 2) A complete description of the activities requiring the possession, use, purchase or transfer of explosive materials in Illinois including the location and length of the project or activity.
 - 3) A current and valid storage certificate, if applicable to the activity, issued under Subpart C of this Part.
- c) A temporary license issued pursuant to this Section shall entitle the holder to engage only in those activities for which the license was issued and shall be valid only until the activities are completed, but in any event, no more than 3 months from the date of issuance.

SUBPART C: STORAGE CERTIFICATE APPLICATION

Section 200.200 Application for Original Storage Certificate

Any person who intends to store explosive materials shall make application on forms provided by the Department. The application must be executed under penalties of perjury.

Section 200.201 Contents of Application

The application for an original storage certificate shall include:

- a) The full name and the business and residence addresses and telephone numbers of the person making the application.
- b) The full name and the business and residence addresses and telephone numbers of the person having responsibility for the magazine (the magazine keeper), if different from the applicant.
- c) The location or proposed location of the magazine, including the township, county and, if the magazine is located in an unincorporated area, the name and distance from the nearest municipality.
- d) The kind and maximum quantity of explosive materials intended to be stored in the magazine at any one time.
- e) The distance or intended distance of the magazine from the nearest magazine

- building, railroad or highway, and whether the magazine is barricaded.
- f) A description of the purposes for which explosive materials are intended to be stored.
 - g) The full names and explosive license numbers of all persons who will have access to and handle explosive materials, or a statement of the reasons for which an exemption from the individual license requirements is claimed under Section 1004 of the Act.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.202 Incomplete Application

If the application does not contain all of the information or documents required under Section 200.201 for the Department to evaluate the application, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application, and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.

Section 200.203 Denial of Application

If an applicant fails to make complete application in accordance with Section 200.202 of this Part, the Department shall deny the application and notify the applicant in writing. The notice shall set forth the reasons for denial and instructions for making any reapplication.

Section 200.204 Magazine Inspection

Upon receipt of a complete application for an original storage certificate the Department shall inspect magazine. If the inspector finds that the magazine is located and constructed in accordance with the Act and these Rules, the inspector shall determine the quantity of explosive materials that may be stored and shall calculate the required fee. Upon receipt of the inspector's report and the required fee, the Department shall issue the storage certificate.

Section 200.205 Refusal to Issue

If, after the Department's investigation of the application, the Department intends to refuse to issue a storage certificate, the Department shall notify the applicant in writing of the grounds upon which such intended refusal is based, and of the applicant's right to a hearing pursuant to Section 200.900 of this Part.

Section 200.206 Renewal

A storage certificate issued under this Subpart shall expire on the last day of February of each year. The holder of a storage certificate may renew the certificate by submitting a renewal application on forms provided by the Department together with the required fee. The renewal application and fee shall be delivered to the Department at the time of the annual inspection of the magazine during the 6 month period immediately preceding the expiration date of the storage certificate.

SUBPART D: FEES

Section 200.300 Fees

The following fees shall be paid to the Department for administration of the Act and are non-refundable.

- a) The fee for an application and to receive a license is \$75.00 (plus the amount required under contract with the Department of State Police for processing and/or reprocessing the fingerprints).
- b) The fee for re-examination of an applicant is \$25.00.
- c) The renewal fee for a license is \$75.00.
- d) The fee for a temporary license is \$75.00.
- e) Except as provided in subsections (f) and (g) below pertaining to Type 5 magazine storage sites and cap magazines, the fee for an application and to receive a storage certificate is as follows:

Quantity of Explosive Materials	Fee
1 - 50 lbs	\$ 25
51 - 1,000 lbs	\$ 50
1,001 - 50,000 lbs	\$100
50,001 - 300,000 lbs	\$200

- f) The fee for an application and to receive a storage certificate for a Type 5 magazine storage site is as follows:

Quantity of Explosives Materials	Fee
1 - 50,000 lbs	\$100
50,001 - 300,000 lbs	\$200

- g) The fee for an application and to receive a storage certificate for the storage of blasting caps is as follows:

Number of Caps	Fee
1 - 1,000	\$ 25
1,001 - 50,000	\$100
over 50,000	\$200

- h) The renewal fee for a storage certificate is the same as for an original certificate.
- i) The fee for a replacement license or storage certificate (lost, stolen, destroyed) is \$25.00.
- j) The fee for a duplicate original license or storage certificate (worn or damaged) is \$25.00

Section 200.301 Proration of Fees

An original storage certificate applied for and received during the 6 month renewal period ending February 28 shall be issued for the balance of the renewal period and the following full year, and the

fee shall be calculated at 1 ½ times the fee specified in Section 200.300(e), (f) and (g) of this Part.

Section 200.302 Waiver of Fees - Government Agencies

Fees assessed in connection with licenses and storage certificates will be waived for agencies of the federal government and the State of Illinois and its political and civil subdivisions. Fees will also be waived for officers and employees of such agencies if the agency submits a letter on its letterhead setting forth that the license or storage certificate is required in the discharge of the officer's or employee's duties.

SUBPART E: CLASSIFICATION OF MAGAZINES AND GENERAL STORAGE REQUIREMENTS

Section 200.400 General Storage Requirements

- a) All explosive materials shall be stored in magazines which meet the requirements of this Subpart unless they are:
 - 1) In process of manufacture.
 - 2) Being used.
 - 3) Being loaded or unloaded into or from transportation vehicles or while in the course of transportation.
- b) When blasting agents are stored in the same magazine with explosives, the magazine shall be suitable for storage of high explosives.
- c) Detonators such as blasting caps, electric blasting caps or non-electric delay devices shall not be stored in the same magazine with other explosive materials.
- d) Explosive materials which are classified as high explosives shall be stored in Types 1, 2, or 3 magazines. Explosive materials which are classified as low explosives may be stored in Types 1, 2, 3, or 4 magazines. Explosive materials which are classified as Blasting Agents may be stored in Types 1, 2, 3, 4, or 5 magazines.
- e) Detonators shall be stored in Types 1, 2, or 3 magazines, except that electric blasting caps having leg wires at least four feet long (provided they are in the configuration as supplied by the manufacturer) may be stored in a Type 4 magazine.
- f) Detonating cord shall be stored in either a Type 1, 2, or 3 magazine and may be stored in these same type magazines with other explosive materials, except detonators.

Section 200.401 Classification of Magazines

- a) Type 1 Magazine. A permanent magazine for the storage of high explosives. Type 1 magazines are bullet resistant, fire resistant, theft resistant, and weather resistant.
- b) Type 2 Magazine. A portable or mobile magazine for outdoor or indoor storage of high explosives. Type 2 magazines are bullet resistant, fire resistant, theft resistant, and weather resistant.
- c) Type 3 Magazine. A portable magazine for the temporary storage of explosive materials while attended. An example is a "day box" at the site for blasting operations. Type 3 magazines are fire resistant, theft resistant, and weather resistant.

- d) Type 4 Magazine. A permanent, portable or mobile magazine for outdoor or indoor storage of low explosives. Type 4 magazines are fire resistant, theft resistant and weather resistant.
- e) Type 5 Magazine. A permanent, portable or mobile magazine for the storage of blasting agents. Type 5 magazines include tanks, tank trailers, tank trucks, semi-trailers, bulk mix trailers, bulk mix trucks and bins. Type 5 magazines are theft resistant, and outdoor Type 5 magazines are also weather resistant.

Section 200.402 Location of Magazines - Distances and Quantity

- a) All outdoor magazines except Type 3 shall be located as provided in the American Table of Distances (located in Appendix A of this Part) for magazines containing any amount of high explosives and the Table of Separation Distances for Low Explosives (located in Appendix B of this Part) for magazines containing low explosives when determining minimum distances of inhabited buildings, passenger railways, and public highways.
- b) Separation Distances in the American Table of Distances, the Table of Separation Distances for Low Explosives and the table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents shall be used in determining minimum separation of storage facilities for explosives, blasting agents, and ammonium nitrate. The American Table of Distances and the Table of Separation Distances for Low Explosives should be used to determine safe distances from inhabited dwellings, highways, passenger railways, and between explosive materials magazines. The table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determining non-propagation distances to ANFO blasting agents and to ammonium nitrate. The greater of the distances shown in the American Table of Distances or the Table of Separation Distances for Low Explosives, whichever is applicable, and in the table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine the required separation between a magazine for storage of explosives and a magazine for storage of blasting agents.
- c) The storage of explosive materials in indoor magazines shall not exceed 50 pounds in any building or facility. No indoor magazine shall be located in a residence or dwelling. Indoor magazines shall be located on a floor which has an exit at or ramp to exterior grade level. Indoor magazines shall be located not more than 10 feet from such an exit. Two magazines may be located in the same building or facility when one is used for detonators only, in quantities not in excess of 5,000, and when a distance of 10 feet is maintained between magazines. All indoor magazines must be on casters or wheels to facilitate removal from a building in an emergency. The local fire department shall be notified of the location of the magazines and of any change in location.
- d) A Type 3 magazine is not subject to the American Table of Distances nor the Table of Separation Distances for Low Explosives, but shall be located as far away as practicable from neighboring inhabited buildings, railways, highways, and any other

magazines.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

SUBPART F: MAGAZINE CONSTRUCTION STANDARDS

Section 200.500 Construction of Magazines

- a) *The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any person intending to use alternate magazine construction shall submit a letter of application to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved.* (Ill. Rev. Stat. 1991, ch. 96 ½, pars. 1-5013(b))
- b) Magazines constructed according to the following minimum specifications are approved as bullet-resistant as defined by Section 200.11 of this Part (all steel and wood dimensions are actual thickness; all concrete block and brick dimensions are nominal thicknesses):
 - 1) Exterior of steel:
 - A) 5/8 inch steel with an interior lining of any type of non-sparking material.
 - B) ½ inch steel with an interior lining of not less than 3/8 inch plywood.
 - C) 3/8 inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 3 inches of softwood, or
 - iii) 2 1/4 inches of plywood.
 - D) 1/4-inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 5 inches of softwood, or
 - iii) 5 1/4 inches of plywood, or
 - iv) 1 ½ inches of plywood with an intermediate layer of 2 inches of hardwood.
 - E) 3/16-inch steel with an interior lining of:
 - i) 4 inches of hardwood, or
 - ii) 7 inches of softwood, or
 - iii) 6 3/4 inches of plywood, or
 - iv) 3/4 inches of plywood with an intermediate layer of 3 inches of hardwood.
 - F) 1/8-inch of steel with an interior lining of:
 - i) 5 inches of hardwood, or
 - ii) 9 inches of softwood, or
 - iii) 3/4 inches of plywood with an intermediate layer of 4 inches of hardwood, or
 - iv) 3/4 inches of plywood with a first intermediate layer of

- 3/4-inch plywood and a second intermediate layer of 3-5/8 inches of well-tamped dry sand or sand and cement mixture.
- 2) Exterior of any type of fire-resistant material which is structurally sound with:
 - A) An interior lining of 1/2-inch plywood placed securely against an intermediate layer of:
 - i) 4 inches solid concrete block, or
 - ii) 4 inches solid brick, or
 - iii) 4 inches solid concrete.
 - B) An interior lining of 3/4 inches of plywood and a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inch well-tamped dry sand or sand and cement mixture, a third intermediate layer of 3/4-inch plywood, and a four intermediate layer of 2 inches of hardwood or 14-gauge steel.
 - C) An intermediate 6 inch space filled with well-tamped dry sand or well-tamped sand and cement mixture.
 - 3) Masonry construction of:
 - A) Standard 8-inch concrete block with voids filled with well-tamped dry sand or well-tamped sand and cement mixture, or
 - B) Standard 8-inch solid brick, or
 - C) 8-inch thick solid concrete.
 - c) The ground around a magazine shall be graded in such a manner that water will not drain into the magazine.
 - d) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines. Upon request, electric lighting systems for magazines will be authorized by the Department if they meet the standards prescribed by the National Electrical Code, for the conditions present in the magazine at any time. All electrical switches must be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.
 - e) Type 1, 2, 3 or 4 magazines constructed with masonry walls or with any ferrous metal must have such interior surfaces covered with a non-sparking lattice, paint, mastic, or equivalent lining to prevent direct contact with stored explosive materials.
 - f) In a Type 5 magazine, ferrous metal may be exposed on the interior of the magazine provided it cannot rupture the packages of explosive materials.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.501 Type 1 Magazine

A Type I magazine shall be a permanent structure such as a building or an igloo that is bullet-resistant, fire-resistant, theft-resistant, weather-resistant, and ventilated.

- a) Walls.
The walls shall be constructed according to any of the specifications listed in Section 200.500 of this Part.

- b) Doors.
The doors shall be constructed according to any of the specifications listed in Section 200.500 of this Part.
- c) Roof.
The roof shall be constructed of any type of structurally sound materials which are or have been made fire-resistant on the exterior.
- d) Roof or Ceiling.

Where the natural terrain around a Type I magazine makes it possible to shoot a bullet through the ceiling or roof at such an angle that a bullet could strike the explosive materials stored in the magazine, then either the roof or ceiling shall be of bullet-resistant construction. A bullet-resistant roof shall be constructed according to any of the specifications listed in Section 200.500 of this Part. A bullet-resistant ceiling may be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. Examples of ceiling construction that are considered bullet-resistant are:

- 1) A sand tray having a depth of not less than 4 inches of sand.
- 2) Any construction meeting specifications of Section 200.500 of this Part.
- e) Foundation.
The foundation may be of masonry, wood, or metal and shall be completely enclosed except for openings to provide cross-ventilation. A wooden foundation enclosure shall be covered on the exterior with a fire-resistant material.
- f) Floor.
The floor may be constructed of wood or other suitable materials. Floors constructed of materials that may cause sparks shall be covered with a surface of non-sparking materials or the packages of explosive materials shall be placed on pallets of non-sparking materials.
- g) Ventilation.
Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilating openings shall be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations shall be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling shall have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.
- h) Locks.
Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of a mortise lock and a padlock; or a three point lock, or equivalent type of lock that secures a door to the frame at more than one point. Padlocks shall be steel having at least five tumblers and at least 3/8 inch diameter case-hardened shackle. All padlocks shall be protected by 1/4 inch steel hoods that are installed in such a manner as to discourage insertion of bolt

cutters, saws, files, or levering devices. Doors that are secured by at least two substantial internal bolts or bars do not require additional locking devices. Hinges and hasps and all locking hardware shall be rigidly secured and fastened by welding or through bolts which cannot be removed when the door is locked.

Section 200.502 Type 2 Magazine

A Type 2 magazine shall be a portable or mobile structure, such as a box, skid-magazine, trailer or semi-trailer, that is bullet-resistant, fire-resistant, theft-resistant, weather-resistant, and ventilated, except that Type 2 indoor magazines need not be bullet or weather-resistant or ventilated. Any construction specified for a Type 1 magazine is acceptable for a Type 2 magazine.

- a) Type 2 Outdoor Magazines. Outdoor magazines shall be constructed according to the following specifications or to any of the specifications listed in Section 200.500 of this Part.
 - 1) The exterior and doors shall be constructed of not less than 1/4-inch steel and lined with at least two inches of hardwood. Magazines with top openings shall have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.
 - 2) Floors covered of ferrous metal shall be covered with a surface of non-sparking material. Magazines with top openings shall have a lid that overlaps the sides by at least one inch when in closed position.
 - 3) The magazine shall be supported in such a manner as to prevent the floor from having direct contact with the ground. Magazines less than one cubic yard in size shall be securely fastened to a fixed object to prevent theft of the entire magazine.
 - 4) Hinges, hasps, locks, and locking hardware shall conform to the provisions for Type 1 magazines as specified in Section 200.501(h) of this Part. When unattended, a vehicular magazine shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.
- b) Type 2 Indoor Magazine
 - 1) Type 2 indoor magazines constructed of wood shall have sides, bottoms, and lids or doors constructed of two-inch wood and shall be well braced at corners. The magazines shall be covered with sheet metal of not less than 26 gauge. Nails exposed to the interior of such magazines shall be countersunk.
 - 2) Type 2 indoor magazines constructed of metal shall have sides, bottoms, the lids or doors constructed of 12 gauge metal and shall be lined inside with a non-sparking material. Edges of metal lids shall overlap sides at least one inch.
 - 3) Type 2 indoor magazines shall be provided with substantial wheels or casters to facilitate removal from a building in an emergency. The lid of such magazines shall have substantial strap hinges and a means for locking with at least a five tumbler steel padlock having at least a 3/8 inch diameter case hardened shackle. The magazines shall be kept locked except during the placement or removal of explosive materials.

- 4) Type 2 indoor magazines shall be painted red and shall bear lettering in white, on top, at least three inches high, "Explosives - Keep Fire Away."

Section 200.503 Type 3 Magazine

A Type 3 magazine shall be a portable structure that is fire-resistant, theft-resistant, weather-resistant, and ventilated.

- a) Type 3 magazines shall be constructed according to the following specifications or to any of the specifications listed in Section 200.500 of this Part which is practical.
 - 1) A type 3 magazine is to be constructed of not less than number 12 gauge (.1046 inches) steel, lined with at least either ½-inch plywood or ½-inch Masonite-type hardboard.
 - 2) Doors must overlap sides by at least one inch.
 - 3) Hinges and hasps are to be attached by the welding, riveting or bolting with the nuts on the inside.
- b) Type 3 magazines shall be equipped with at least a five-tumbler steel padlock having at least a 3/8 inch-diameter case hardened shackle.

Section 200.504 Type 4 Magazine

A Type 4 magazine shall be a permanent, portable, or mobile structure such as a building, igloo, box, semi-trailer or other mobile containers that is fire-resistant, weather-resistant, and ventilated, except that over-the-road trucks or semi-trailers used for temporary storage need not be ventilated or fire-resistant.

- a) Type 4 Outdoor Magazine.

A Type 4 outdoor magazine shall be constructed of masonry, wood covered with metal, fabricated metal or a combination of these materials. The door shall be metal or wood covered with metal. The requirements of Section 200.501 (e), (f) and (h) of this Part pertaining to foundations, floors, and locks shall apply to permanent Type 4 outdoor magazines.
- b) Type 4 Indoor Magazine.

A Type 4 indoor magazines shall be constructed in accordance with the provisions for a Type 2 indoor magazine set forth in Section 200.502 of this Part.

Section 200.505 Type 5 Magazine

A Type 5 magazine shall be a permanent, portable, or mobile structure such as a building, igloo, box, bin, tank, semi-trailer, bulk trailer, tank trailer, bulk truck, tank truck or other mobile container that is fire-resistant, theft-resistant, weather-resistant, and ventilated except that over-the-road trucks or semi-trailers used for temporary storage need not be fire-resistant or ventilated and indoor magazines need not be weather-resistant or ventilated. Interior of Type 5 magazines need not be covered with non-sparking material.

- a) Each door of Type 5 magazine shall be locked with at least one steel case five-tumbler padlock having at least a 3/8 inch diameter case-hardened shackle. A hood for the padlock is not required. Hinges and hasps and all locking hardware shall be rigidly secured and fastened by welding or through bolts which cannot be

- removed when the door is locked.
- b) When unattended, a vehicular magazine shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.

SUBPART G: MAGAZINE OPERATIONS AND MAINTENANCE

Section 200.600 Magazine Keeper

- a) Magazines shall at all times be in the charge of a competent person, known as the Magazine Keeper, who shall be at least 21 years of age, and who shall be conversant with and be responsible for the enforcement of all safety and security precautions. The current business and residence addresses and telephone numbers of the Magazine Keeper shall be on file with the Department at all times.
- b) The Magazine Keeper is responsible for seeing that the magazine is operated and maintained in accordance with this Part and that all reports and records are made and kept in accordance with Subpart I of this Part. The holder of the certificate may designate some other individual meeting the requirements of (a) above as being responsible for the required reports and records, by notifying the Department of the business and residence addresses and telephone numbers of that designated responsible individual.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.601 Security Precautions

- a) Inspection.
All magazines containing explosive materials shall be inspected at least every 7 calendar days to determine whether there has been an unauthorized entry or attempted entry into the magazines; or to determine whether there has been unauthorized removal of the magazines or their contents. This inspection does not require a physical inventory unless there is evidence of unauthorized entry or removal.
- b) Locks.
Magazine doors shall be kept locked, except during the placement or removal of explosive materials, or during inspections or inventories.

Section 200.602 Safety Precautions - General

- a) Safety Rules.
Safety rules (available from the Department) covering the operations of magazines shall be posted on the interior of the magazine door.
- b) Warning Signs.
The premises upon which all outdoor magazines are located shall be posted with signs reading "Explosives - Keep Off", or "Explosives - Magazine - Dangerous" or other similar words of warning.
- c) Combustible, Sparking Materials, Equipment.
Magazines shall be used exclusively for the storage of explosive materials and

blasting accessories. No metal tools other than nonferrous conveying equipment may be stored in the magazine unless protected by a non-sparking paint. Combustible materials shall not be stored within 50 feet of magazines.

- d) Smoking, flames.
Smoking, matches, open flames, spark-producing devices, and firearms shall not be permitted inside of or within 50 feet of magazines, except that authorized persons may carry firearms within 50 feet of but not inside a magazine.
- e) Unstable, Leaking Materials.
When explosive materials have deteriorated to an extent that they are in an unstable or dangerous condition, or any liquid leaks from any explosive material, then the person in possession of such explosive material shall immediately proceed to deal with such explosive material in accordance with the instructions of the manufacturer. Only experienced persons shall direct the work of destroying explosive materials.

Section 200.603 Safety Precautions - Handling and Storage

- a) Use of Stocks.
When explosive material is removed from a magazine for use, the oldest stocks shall be removed first. Where the certificate holder has adopted a quality control program that does not necessarily involve the removal of the oldest stock first, but which complies with Section 602(e) of this Subpart, the requirements of this subsection shall be deemed to be met.
- b) Like Stocks Together.
Corresponding grades and brands shall be stored in a magazine together and in such a manner that brand and grade marks are visible. All stocks shall be stored so as to be easily counted and checked.
- c) Stacking.
Containers of explosive materials shall be stacked in a stable manner to prevent shifting or falling. Rigid containers of explosive materials shall be laid flat, and cases with top side up.
- d) Ventilation.
Explosive materials shall be stored within a magazine so as not to interfere with required ventilation.
- e) Black Powder.
Black powder, when stored in the same magazine with other explosive material, shall be stacked separately.
- f) Containers.
Containers of explosive materials which have been opened shall be securely closed before being placed in a magazine. Only fiberboard containers may be opened in the magazine.
- g) Damaged Containers.
Containers of damaged explosive materials shall not be unpacked or repacked in, or within 50 feet of, a magazine or in close proximity to other explosive materials.
- h) Non-Sparking Tools.

Tools used for opening containers of explosive materials shall be constructed of non-sparking material, except that metal slitters may be used for opening fiberboard containers provided that the metal slitter does not come into contact with any metallic fasteners which may be in or part of the case. Only a wooden wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers of explosive materials.

i) Stained Floors.

Magazine floors stained with liquid shall be dealt with according to instructions of the manufacturer.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.604 Magazine Maintenance and Repair

a) Sweeping, Cleaning.

Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings of explosive materials from the floors of magazines shall be disposed of in accordance with safe handling procedures.

b) Exterior Maintenance.

The land within 25 feet of any magazine shall be kept clear of rubbish, brush, dried grass, leaves, dead trees, and all live trees less than ten feet high.

c) Interior Repairs.

When magazines need interior repairs, all explosive materials shall be removed therefrom and the floors cleaned before and after making repairs.

d) Exterior Repairs.

In making exterior magazine repairs, when there is a possibility of causing sparks or fire, all explosive materials shall first be removed from the magazine.

e) Storage During Repair.

Explosive materials removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. In determining safe distance, the type and extent of repair and the potential for production of spark or flame shall be considered, but in no event shall the distance be less than that specified in the American Table of Distances and the Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents. Upon completion of repairs, the explosive materials shall be properly returned to the magazine.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

SUBPART H: TYPE 3 MAGAZINES AND VEHICLES
AT BLAST AREAS

Section 200.700 Requirements for Type 3 Magazines

a) Type 3 magazines are intended only for the temporary storage of explosive materials

- and are authorized for storage only during transport to and use at the blast area.
- b) Type 3 magazines containing explosive materials must be attended at all times. For the purposes of this paragraph, "attended at all times" means that the magazine must at all times be within the line of sight and visible to a member of the work or blasting crew authorized to enter the magazine.
 - c) Type 3 magazines must be locked during transport to and from the permanent magazine and blast area except during continuous drilling and loading at the site. The requirements that Type 3 magazines be locked as specified in this paragraph are in addition to the requirements that Type 3 magazines be attended at all times.
 - d) Daily, at the conclusion of blasting operations all explosive materials shall be returned to a Type 1, 2, 4 or 5 magazine as appropriate for unattended storage.
 - e) Type 3 magazines and blast areas shall be posted with warning signs in accordance with Section 200.602(b) of this Part.

Section 200.701 On-Site Vehicles; Warning Signs

- a) Every vehicle carrying explosive materials on mine, quarry, construction or other blast areas shall have the word "explosive" painted on or attached to all 4 sides of the vehicle in white letters at least 8 inches in height against a red background.
- b) The requirements of subsection (a) above do not apply to any vehicle placarded in accordance with "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies", as amended (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et. seq.).

SUBPART I: RECORDKEEPING AND REPORTING

Section 200.800 Possession of License

Licenses issued under Subpart B of this Part must be carried on the person at all times when the original licensee is purchasing, possessing, using or transferring explosive materials.

Section 200.801 Posting of Storage Certificate

The original storage certificate issued under Subpart C of this Part must be posted in the magazine for which the certificate was issued, or kept at the magazine keeper's principal place of business (or residence if no separate business office is maintained). If the original storage certificate is kept at the magazine keeper's principal place of business or residence, a copy shall be posted in the magazine.

Section 200.802 Report of Lost, Stolen or Destroyed License or Storage Certificate

- a) Upon discovery that a license or storage certificate has been lost, stolen or destroyed, the holder must notify the Department within 5 business days.
- b) The written notice shall be executed under penalties of perjury and include a description of the time, location and circumstances surrounding the loss, theft or

- destruction of the license or certificate.
- c) Upon receipt of the notice, the Department will cancel the license or storage certificate, and upon payment of the required fee, will issue a new original license or storage certificate with a newly assigned license or certificate number.
- d) At any time a lost or stolen certificate is found or recovered, it must be returned to the Department.

Section 200.803 Worn or Damaged License or Storage Certificate

At any time a license or storage certificate becomes worn or damaged to the extent that it is illegible in any respect, it must be returned to the Department. Upon receipt of the original license or storage certificate the Department will issue a duplicate original.

Section 200.804 Report of Changed Conditions; Cancellation or Modification of Storage Certificate

- a) The holder of a certificate of storage shall notify the Department of any changed condition affecting the certificate of storage. Changed conditions include the relocation of a magazine, the construction of additional magazines, and the construction and/or opening of an inhabited building, highways or railways affecting the distance requirements set forth in Section 200.402 of this Part.
- b) Notification shall be in writing and shall be made as soon as practicably possible after discovery of the changed condition, but in any event no later than 5 business days prior to the intended relocation or addition of magazines, or the scheduled habitation or public opening of buildings, highways and railways.
- c) In circumstances in which the holder had no notice of a changed condition affecting the certificate of storage, the holder shall contact the Department immediately by telephone.
- d) Upon notification, the Department will conduct an inspection and will cancel or modify the certificate of storage as appropriate. Modification may include relocation, reduction of the quantity of explosive materials which may be stored and the requirement of a barricade.

Section 200.805 Report of Theft or Loss of Explosive Materials

- a) A licensee or certificate holder shall report the theft or loss of explosive materials to the Department within 24 hours of discovery by telephone and in writing.
- b) The written notice shall be executed under penalties of perjury on forms provided by the Department and shall include a complete description of the explosive materials, including the manufacturer, brand name, any manufacturer marking, and quantity, and the circumstances surrounding the theft or loss. The written notice shall also identify local law enforcement agencies contacted by the license or certificate holder.
- c) The requirements of subsection (b) above shall be satisfied, for any person holding a license or permit issued by BATF, by filing with the Department a copy of written notification to BATF.

Section 200.806 Records of Transactions - Licensees and Certificate Holders

- a) The requirements of this Section shall not apply to any license or storage certificate holder who is holder of a license or permit issued by BATF and who satisfies the recordkeeping requirements for transactions of explosive materials prescribed by BATF.
- b) A licensee and holder of a storage certificate shall maintain a record of each transaction in which explosive materials are sold, purchased or otherwise transferred. The record shall be made on a sales slip, delivery ticket, invoice, BATF transaction record form, or other document and shall include:
 - 1) the name and address of the seller or person from whom the explosive materials were procured;
 - 2) the name, address and license or certificate number (with expiration date) of the purchaser or person to whom the explosive materials were delivered;
 - 3) the date of purchase or delivery; and
 - 4) the quantity and description of the explosive materials.
- c) In the case of a licensee the transactions record shall be kept with the explosive materials and shall be produced by the licensee upon request.
- d) Records of transactions for each license or certificate shall be kept and maintained for a minimum of one year from the date of the transaction.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.807 Daily Summary of Magazine Transactions

- a) A record of daily transactions shall be kept for each magazine other than a Type 3 magazine. The record shall contain, by manufacturer or brand name, the total quantity of explosive materials received in and removed from the magazine, and the total remaining on hand at the end of the day. Any discrepancy which indicates a theft or loss of explosive materials must be reported in accordance with Section 200.805 of this Part.
- b) The requirements of this Section shall not apply to a storage certificate holder who is a holder of a license or permit issued by BATF and who satisfies the requirements for making daily summaries of magazine transactions prescribed by BATF, but such compliance will not relieve the holder from making any reports under Section 200.805 of this Part.

Section 200.808 Transactions - Black Powder

- a) In lieu of the requirements of Sections 200.806 and 200.807 of this Part, a holder of a storage certificate who engages in the sale of black powder in quantities not exceeding 5 pounds for sporting and recreational uses shall maintain a record of each transaction. The record shall be made in a book or ledger kept for that purpose and shall include:
 - 1) the name, address and storage certificate number of the seller;
 - 2) the name and address of the purchaser;

- 3) the Firearm Owners Identification (FOID) card number of the purchaser if the purchaser is a resident of Illinois, or other positive identification if the purchaser is a non-resident;
 - 4) the date of purchase; and
 - 5) the quantity of black powder transacted.
- b) Records of transactions shall be kept in chronological order and maintained for a minimum of one year from the date of the transaction at the storage site.

Section 200.809 Record of Annual Physical Magazine Inventory

- a) The holder of a storage certificate shall conduct and make a complete record of the physical inventory of explosive materials annually during the 6 month renewal period. If the inventory is conducted at the time of or prior to the annual inspection provided for in Section 200.206, the record shall be made available to the Department at the annual inspection. If the inventory is conducted after the annual inspection is completed, the holder shall submit a copy to the Department prior to the last day of February.
- b) In addition, the holder of a certificate of storage shall conduct and make a complete record of the physical inventory whenever the Department or holder has reason to believe, based on a personal observation, a review of records, or information received from other persons, the explosive materials may be lost or stolen from a magazine. The holder of a certificate of storage shall also conduct and make a complete record of the physical inventory upon the request of the Department, based on the same beliefs. A special inventory conducted and recorded under this subsection satisfies the annual inventory requirement if it is conducted and recorded during the 6 month renewal period.
- c) The annual inventory requirements of subsection (a) above shall not apply to a storage certificate holder who is a holder of a license or permit issued by BATF and who satisfies the annual and special inventory requirements prescribed by BATF, but such compliance will not relieve the holder of a storage certificate from the obligation of conducting special inventories in accordance with subsection (b) above.

Section 200.810 Inspections

Licensees and certificate holders shall make all required records available to authorized representatives of the Department and shall permit their facilities to be inspected at reasonable times and in a reasonable manner by representatives of the Department.

SUBPART J: RULES OF PROCEDURE IN ADMINISTRATIVE HEARINGS

Section 200.900 Notice of Department's Intended Action; Contents and Services

Whenever the Department intends to refuse to issue or renew a license or certificate, to suspend or revoke a license or certificate, or to assess administrative fines against a holder of a license or certificate, the Department shall give written notice to the applicant or holder personally or by certified mail sent to the applicant or holder's last known address. The notice shall include:

- a) The specific grounds upon which the Department's intended action is based.
- b) The action the Department intends to take, including the amount of any fine the Department intends to impose.
- c) A statement that the applicant or holder may request a hearing to appeal the Department's intended action by filing a written request within 15 days after receipt of notice of such action.
- d) A statement that the applicant or holder's failure to make a written request for a hearing within 15 days after receipt of the notice of the Department's intended action will constitute a waiver of the applicant or holder's rights to contest such action and will result in the entry of a final administrative decision affirming the relief set forth, which shall be conclusively presumed to be correct.

Section 200.901 Request for Hearing on Department's Intended Action; Contents and Service

The request for a hearing shall be in writing, shall admit or deny matters alleged by the Department, and may also include any related explanatory information. The request for hearing shall be delivered personally or by mail sent to the Department at the address indicated in the notice.

Section 200.902 Notice of Hearing

Written notice setting forth the date, time, place, nature of the hearing and the name and address of the hearing officer shall be mailed to an applicant or holder making a timely written request for hearing at least 14 days prior to the scheduled hearing date.

Section 200.903 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

Section 200.904 Hearing Officer; Powers and Duties

- a) The Hearing Officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including the following:
 - 1) To administer oaths and affirmations;
 - 2) To receive relevant evidence;
 - 3) To regulate the course of the hearing and the conduct of the parties and their counsel therein;
 - 4) To consider and rule upon procedural requests;
 - 5) To hold conferences for the settlement or simplification of the issues; and
 - 6) To examine witnesses and direct witnesses to testify, limit the number of

- times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify.
- b) All participants in the hearing shall have the right to be represented by counsel, or by some other authorized representative.
 - c) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

Section 200.905 Pre-Hearing Conferences

- a) Upon his own motion or the motion of a party, the Hearing Officer shall direct the parties or their counsel to meet with him for a conference in order to:
 - 1) Simplify the factual and legal issues presented by the hearing request;
 - 2) Receive stipulations, admissions of fact and of the contents and authenticity of documents;
 - 3) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - 4) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
- b) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all of the parties.

Section 200.906 Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

Section 200.907 Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to emergency situation beyond the party's control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to Section 200.903. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the party's control.

Section 200.908 Evidence

- a) Admissibility: A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding Hearing Officer shall exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where precluded by statute, if it is of a type commonly relied

upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a Hearing Officer shall allow evidence to be received in written form.

- b) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

Section 200.909 Briefs

The Hearing Officer may require or allow parties to submit written briefs to the Hearing Officer within ten (10) days after the close of the hearing or within such other time as the Hearing Officer shall determine as being consistent with the Department's responsibility for an expeditious decision.

Section 200.910 Hearing Officer's Decision

- a) At the conclusion of all hearings conducted under this Subpart, the Hearing Officer shall issue proposed findings of fact, conclusions of law and a recommended final administrative decision for submittal to the Director.
- b) In issuing his findings, conclusions and recommendation, the Hearing Officer shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. Such findings, conclusions and recommendation may include remedies in addition to or different from those originally sought if they are supported by the evidence.
- c) The provisions of subsection (b) above shall not apply when the findings, conclusions and recommendation are issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.

Section 200.911 Final Administrative Decision

- a) The Director shall issue a final administrative decision within 30 days after receiving the hearing officer's proposed findings of fact, conclusions of law and recommended final administrative decision.
- b) In issuing his final administrative decision, the Director shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. Such final administrative decision may include remedies in addition to or different from those originally sought if they are supported by the evidence.
- c) The provisions of subsection (b) above shall not apply when the final administrative decision is issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.

Section 200.912 Administrative Fines

- a) Administrative fines shall only be assessed against license and certificate holders for acts or omissions that constitute violations of the Act and of this Part. Administrative fines shall not be assessed against any applicant or holder of a license or certificate based solely upon a failure to satisfy the requirements for the issuance of a license or storage certificate.
- b) The Department shall determine whether or not to assess administrative fines against license or certificate holders based upon the following factors:
 - 1) the license or certificate holder's history of previous violations;
 - 2) the seriousness of the violation;
 - 3) the degree of culpability of the license or certificate holder; and
 - 4) evidence of any additional conditions or factors in aggravation or mitigation of the violation.
- c) All fines assessed by the Department shall be computed as follows:
 - 1) Administrative violations, including, but not limited to, the failure to properly keep records, failure to make required inspections, and failure to submit required reports to the Department in a timely fashion shall result in the assessment of a fine of up to \$100 for the first offense, up to \$250 for the second offense and up to \$500 for the third and any subsequent offenses. Notwithstanding these limitations, if the violation resulted in a threat of serious and immediate injury to persons or property, and the Department makes a finding to that effect, then the provisions of subsection (c)(3) below shall apply.
 - 2) Violations of the requirements for the possession, handling, use, storage, and transfer of explosive materials not involving a threat of serious or immediate injury to persons or property, including, but not limited to, failure to properly maintain and repair magazines and their premises, failure to properly transport explosive materials and failure to take proper security and safety precautions in the handling and storage of explosive materials, shall result in the assessment of a fine of up to \$250 for the first offense, up to \$500 for the second offense, and up to \$1,000 for the third and any subsequent offenses.
 - 3) Violations of the requirements for the possession, handling, use, storage and transfer of explosive materials which result in a threat of immediate and serious injury to persons or property shall result in an assessment of a fine of up to \$1,000 for the first offense and up to \$5,000 for the second and any subsequent offense.
- d) For violations described in subsection (c)(3) above, an administrative fine shall not be the exclusive disposition of any disciplinary action for the second and any subsequent violation.

Section 200.913 Immediate Suspension Without Notice of Hearing

- a) Whenever the Department finds, based upon reasonable belief from on-site observation, record inspection by Department personnel, information received from

law enforcement personnel or information received from the public, that a license or certificate holder's violation of the Act or this Part may cause death or serious injury, the Department shall issue an order immediately suspending the license or certificate.

- b) The Department shall serve its order of immediate suspension of a license or certificate under this Section by personal service. Such order shall also be sent by certified mail to the license or certificate holder's last known address.
- c) The Department shall serve with the order of immediate suspension a notice containing the information set forth in Section 200.900(a) through (d) of this Part. The notice will also inform the license or certificate holder that the failure to request a hearing in accordance with Section 200.900(c) of this Part shall result in the automatic issuance of a final administrative decision revoking the license or certificate.
- d) Any occurrence of a violation described in Section 200.912(c)(3) of this Part constitutes grounds for the immediate suspension of a license or certificate. A second or subsequent occurrence of a violation described in Section 200.912(c)(3) of this Part requires the Department to immediately suspend a license or certificate.

Section 200.914 Computation of Time

- a) Except as otherwise provided, computation of time under this Subpart is based upon calendar days.
- b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday, or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.
- c) Intermediate Saturdays, Sundays, and legal holidays are excluded from the computation of time when the prescribed time period is 7 days or less.
- d) A business day is any day the Department is open for business.

Section 200.APPENDIX A American Table of Distances for Storage of Explosive Materials

GRAPHIC MATERIAL

See printed copy of IAC for detail

EXPLANATORY NOTES ESSENTIAL TO THE APPLICATION OF THE AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVE MATERIALS

NOTE 1 - "Explosive materials" means explosives, blasting agents and detonators.

NOTE 2 - "Explosives" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of "18 U.S.C. Chapter 40, Importation, Manufacturer, Distribution and Storage of Explosive Materials" is issued at least annually by the Director of the Bureau of Alcohol, Tobacco

and Firearms of the Department of the Treasury. For quantity and distance purposes, detonating cord of 50 grains per foot should be calculated as equivalent to 8 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

NOTE 3 - "Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: Provided, That the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 4 - "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 2/3 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

NOTE 5 - "Magazine" means any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

NOTE 6 - "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 7 - "Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 8 - "Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

NOTE 9 - "Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

NOTE 10 - "Railway" means any steam, electric, or other railroad or railway which carries passengers for hire.

NOTE 11 - "Highway" means any public street, public alley, or public road. "Public

Highways Class A to D" are highways with average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbett, Vol. 1, Table 46, Sec. 3-74, 1956 Edition, John Wiley and Sons).

NOTE 12 - When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of said detonator magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 13 - Storage in excess of 300,000 lbs. of explosive materials, in one magazine is generally not required for commercial enterprises.

NOTE 14 - This Table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

(NOTE: The American Table of Distances For Storage of Explosive Materials and accompanying Explanatory Notes are copyrighted materials reproduced with the permission of the Institute of Makers of Explosives.)

Section 200.APPENDIX B Table of Separation Distances for Low Explosives

GRAPHIC MATERIAL

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(Source: Added at 16 Ill. Reg. 11449, effective July 6, 1992)